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Docket No. AUS9-2001-0237-US1

Serial No. 09/895,891

Atty: DLR / JVL

Applicant: Calderaro, et al.

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IBM DOCKET NO. AUS9-2001-0237-US1

DATE: June 21, 2005

Application Serial No.: 09/895,891

Sir:

Assignee Name: International Business Machines Corporation
Assignee Residence: Armonk, New York

Transmitted herewith for filing is the Patent Application of:

Inventors: Calderaro, et al.

For: System and Method for Personnel Management Collaboration

Enclosed are:

☒ Appeal Brief (29 pages)

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Respectfully submitted,

By



Joseph T. Van Leeuwen

Attorney for Applicant

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Atty Ref. No. IBM-1031

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IBM DOCKET NO. AUS9-2001-0237-US1
DATE: June 21, 2005

Application Serial No.: 09/895,891

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Calderaro et al.

Serial No.: 09/895,891

Filed: June 29, 2001

Title: System and Method for
Personnel Management
Collaboration

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P.O. Box 1450
Alexandria, VA 22313-1450

§ Group Art Unit: 2167

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§ Examiner: Lu, Kuen S.

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§ Attorney Docket No. AUS920010237US1

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APPELLANTS' BRIEF (37 CFR § 41.37)

Sir:

A. INTRODUCTORY COMMENTS

This brief is filed in support of the previously filed Notice of Appeal, filed in this case on April 21, 2005, which appealed from the decision of the Examiner dated January 21, 2005 finally rejecting claims 1-20. Please charge the required fee under 37 CFR § 41.20(b)(2) to IBM Corporation Deposit Account No. 09-0447.

The two-month deadline for filing this Appeal Brief is June 21, 2005. Therefore, no extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

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B. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

C. RELATED APPEALS AND INTERFERENCES

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceeding known to Appellants, Appellants' legal representative, or assignee.

D. STATUS OF CLAIMS*1. Total number of claims in application*

There are 20 claims pending. Three claims are independent claims (1, 8, and 14), and the remaining claims are dependent claims.

2. Status of all claims in application

- Claims canceled: None.
- Claims withdrawn from consideration but not canceled: None.
- Claims pending: 20
- Claims allowed: None
- Claims rejected: 20

3. Claims on appeal

The claims on appeal are: claims 1-20.

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E. STATUS OF AMENDMENTS

All amendments have been entered in this case. No amendments have been made to the claims after the Final Office Action.

F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Claims 1, 8, and 14 are independent claims. Note that claims 1-7 are method claims, claims 8-13 are information handling system claims, and claims 14-20 are computer program product claims. Independent claims 8 and 14 include means plus function limitations that correspond to the method steps set forth in independent claim 1. An information handling system capable of implementing Appellants' invention, as claimed in independent claim 8, is shown in Figure 20, and described in Appellants' specification on page 58 line 6 – page 59, line 19. Support for independent computer program product claim 14 is described in Appellants' specification on page 59, line 20 – page 60, line 9. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims. In particular, the citations below do not limit the scope of equivalents as provided under 35 U.S.C. § 112, sixth paragraph.

One aspect of Appellants' invention is a method, information handling system, and computer program product for displaying employee profiles (see e.g., Figure 18B, element 1860; specification page 56, lines 4-16) by selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees (see e.g., Figure 19, elements 1910 and 1930, specification page 56 line 17 to page 58 line 5); excluding the employee profile information corresponding to the selected employees from the first view, the exclusion resulting in a second view; and granting view access to the second view to one or more of the selected employees (see e.g., Figure 19, element 1915, specification page 56 line 17 to page 58 line 5); and granting view access to the second view to one or more of the selected employees (see e.g., Figure 19, elements 1970 - 1990, specification page 56 line 17 to page 58 line 5).

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Support for each of Appellants' means plus function limitations set forth in dependent claims is provided below. Note that general support for an information handling system and computer program product is discussed above. The specific citations to Appellant's Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims, as provided under 35 U.S.C. § 112, sixth paragraph.

Claims 9 and 15 each include the following means plus function limitation:

means for displaying the employee profile information in the second view on one or more display devices, wherein at least one of the display devices corresponds to one of the selected employees (see e.g., Figure 18B, element 1860; specification page 56, lines 4-16).

Claims 10 and 16 each include the following means plus function limitations:

means for simultaneously displaying employee profile information pertaining to the second view to a plurality of collaborating employees, wherein the collaborating employees include at least one of the selected employees (see e.g., Figure 18B, elements 1860 and 1870; specification page 56, lines 4-16);

means for receiving an employee profile change request to revise the employee profile data corresponding to one of the employees, the received request being from one of the collaborating employees (see e.g., Figure 17B, elements 1755-1775; specification page 54 line 11 to page 55 line 9);

means for modifying the employee profile data according to the request (see e.g., Figure 3, specification page 21 line 4 to page 26 line 2, and Figure 17B, element 1790; specification page 54 line 11 to page 55 line 9); and

means for displaying the modified employee profile data to the plurality of collaborating employees (see e.g., Figure 18B, element 1860, specification page 56, lines 4-16).

Claim 12 and 18 each include the following means plus function limitation:

means for storing second view data corresponding to the second view on a nonvolatile storage area, the second view data including a grant list of employees that were granted access to the second view and an exclusion

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list of employee profiles that were excluded from the second view (see e.g., Figure 19, element 1955, specification page 56 line 17 to page 58 line 5).

Claim 13 and 19 each include the following means plus function limitation:

means for receiving a view request from a requesting employee (see e.g., Figure 18B, elements 1875 - 1890, specification page 56, lines 4-16);

means for retrieving the second view data (see e.g., Figure 18B, element 1870, specification page 56, lines 4-16);

means for comparing the requesting employee with the grant list of employees (see e.g., Figure 18B, elements 1860 and 1865, specification page 56, lines 4-16); and

means for determining whether to allow the requesting employee access to the second view in response to the comparison (see e.g., Figure 18B, element 1865, specification page 56, lines 4-16).

Claim 20 includes the following means plus function limitation:

means for displaying a list of reporting employees to a manager (see e.g., Figure 18A, specification page 55 line 10 to page 56, line 3, and Figure 18B, element 1850, specification page 56, lines 4-16).

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G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-20 stand rejected under 35 U.S.C. § 103 as being obvious and therefore unpatentable over a document by Cafolla entitled Oracle Human Resources, North American User's Guide, Release 11, Vol. 1, March 1998 (hereinafter "Cafolla") in view of U.S. Patent No. 6,236,996 to Bapat et al. (hereinafter "Bapat").

H. ARGUMENTS – APPELLANTS' CLAIMS ARE NOT OBVIOUS, AND ARE THEREFORE PATENTABLE OVER CAFOLLA IN VIEW OF BAPAT**1. APPELLANTS' ARGUMENTS WERE NOT FULLY CONSIDERED – THE EXAMINER FAILED TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS BECAUSE THE FINAL OFFICE ACTION DOES NOT RECITE A REJECTION OF EACH OF APPELLANTS' CLAIM LIMITATIONS.**

As an initial matter, in the First Office Action (Dec. 19, 2003), the Examiner used Cafolla as the sole § 102 reference and Appellants overcame the rejections contained in the First Office Action and explained that Cafolla fell far short of anticipating Appellants' claimed invention. Appellants pointed out that while Cafolla is an extensive, 908 page, user manual of a human resources system it fails to teach or suggest Appellants' claimed invention.

In the Second Non-Final Office Action (May 6, 2004), the Examiner reused most of the same arguments that were used in the First Office Action, but changed the rejection to a 35 U.S.C. § 103 rejection citing Cafolla in view of Bapat. In Appellants' Response (Aug. 5, 2004), Appellants described how the teachings of Cafolla and Bapat were misapplied in rejecting Appellants' claims. Appellants further described how the addition of the Bapat reference did not render Appellants' claims "obvious." In particular, neither Cafolla nor Bapat, either alone or in combination with one another, teach or suggest Appellants' claimed limitations of "excluding ... selected employees from [a] first view ... resulting in a second view; and granting view access to the second view to ... the selected employees," as claimed in each of Appellants' independent

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claims. In the Final Office Action (January 21, 2005), the Examiner maintained the rejections set forth in the Second Non-Final Office Action.

In the Final Office Action, regarding Appellants' arguments set forth in the Response to Second Non-Final Office Action, the Examiner stated that Appellants' arguments were fully considered. Appellants respectfully disagree.

The Examiner noted that Appellants argued that neither Cafolla nor Bapat teach or suggest "selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees." The Examiner seems to imply that simply rejecting the claims under § 103, rather than the previous rejection under § 102, mends the shortcomings of Cafolla in failing to teach this limitation.

In the Final Office Action (page 7, section no. 9), the Examiner states:

[T]he Applicant (sic) argued mainly, in lengthy pages (sic), that the Cafolla reference ... does not teach "selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees." to create a second view on which the excluded employees do not appear. The Applicant (sic) further argued that the Bapat reference does not teach or suggest "granting users (employees) access to a view after excluding data corresponding to such users (employees from the view)". (sic)

Without addressing any of Appellants' arguments (arguments that the Examiner noted were set forth over many pages), the Examiner simply stated:

"As to the above arguments, the Examiner respectfully disagreed (sic). First of all, the non-Final Office Action Rejection is based on 35 U.S.C. § 103(a) by combining teachings from one or more references together to provide every teaching as set forth by the limitations of claims."

The rest of the Examiner's response addresses Appellants' argument that there is simply no motivation to combine the references and arguments pertaining to other limitations set forth in the independent claims. Appellants respectfully note that the only rejection of Appellants' "selecting.." limitation was set forth in the First Non-Final Office Action, citing Cafolla at page 13-2, lines 8-12. Neither of the next two Office Actions (the Second Non-Final Office Action nor the Final Office Action) even address this limitation. Thus, it is apparent from the

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Examiner's Response to Arguments section that the Examiner did not fully consider Appellants' arguments that neither Cafolla nor Bapat teach or suggest Appellants' "selecting..." limitation and, instead, the Final Office Action merely contends that it was proper to reject Appellants' "selecting..." step simply because the rejection is an "obviousness" rejection under § 103 rather than an "anticipation" rejection under § 102. Appellants note that neither the Final Office Action nor the Second non-Final Office Action, ever rejects this limitation and neither ever cites a single section of Cafolla or Bapat as teaching this limitation.

Appellants respectfully direct the Board's attention to MPEP § 2100 concerning patentability. In particular, § 2143.03 specifically states that "All Claim Limitations Must Be Taught or Suggested" to support an obviousness rejection under 35 U.S.C. § 103. In particular, § 2143.03 states:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As set forth above, neither the Final Office Action nor the Second non-Final Office Action rejects Appellants' "selecting..." limitations. For this reason alone, Appellants respectfully submit, the Final Rejection should be **REVERSED**. However, there are many more reasons that the final rejection of Appellants' claims should be reversed. These reasons are set forth in the following sections.

2. NEITHER CAFOLLA NOR BAPAT, ALONE OR IN COMBINATION WITH EACH OTHER, TEACH OR SUGGEST THE LIMITATIONS SET FORTH IN APPELLANTS' INDEPENDENT CLAIMS

Cafolla fails to teach or suggest Appellants' claims. The rejection of Appellants' claims as being anticipated by Cafolla was overcome in Appellants' traversal of these rejections in Appellants' Response to the First Office Action filed March 11, 2004. As described below, as

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well as in Appellants' response to the Second non-Final Office Action, the combination of Cafolla and Bapat under 35 U.S.C. § 103 still fails to teach or suggest each of Appellants' claim limitations set forth in the independent claims. In addition, the combination of Cafolla and Bapat is improper because, as explained in Section 4 below, there is no motivation to combine the references. Instead, Appellants respectfully submit that the Examiner used impermissible hindsight in selecting the references.

Each of Appellants' independent claims include the limitations of selectively displaying employee profiles comprising the steps of:

- selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees;
- excluding the employee profile information corresponding to the selected employees from the first view, the exclusion resulting in a second view; and
- granting view access to the second view to one or more of the selected employees.

Regarding the first limitation, "selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees," the Final Office Action submits that Cafolla teaches "the first view including employee profile information corresponding to a plurality of employees." However, Appellants respectfully note that this is not the limitation claimed by Appellants. Rather, Appellants claim "selecting one or more employees to exclude from a first view, ..." The Final Office Action omits the first part of Appellants' first limitation. Because Cafolla does not teach or suggest "excluding employees" from any views, Cafolla also does not teach or suggest "selecting" such employees. The Final Office Action asserts that Cafolla teaches "using people folder as the first view to find people of interest." However, Appellants respectfully note that Appellants do not claim "finding people of interest," instead, Appellants claim "selecting employees to exclude..." This is the opposite of what is taught by Cafolla. Cafolla teaches "finding people of interest" in order to view more information on such people. In stark contrast, Appellants are claiming selecting employees to "exclude" so that the excluded employees' information does not appear on the second view. Appellants respectfully submit that the above claim limitations were

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misconstrued in the Second non-Final Office Action and the Final Office Action. MPEP § 2143.03 states that "All claim limitations must be taught or suggested" in order to establish *prima facie* obviousness under 35 U.S.C. § 103. Because the Final Office Action does not teach or suggest the above-described limitations found in each of Appellants' independent claims, Appellants respectfully request that the rejection of these claims must be REVERSED.

Unlike the First Office Action, the Final Office Action admits that "Cafolla does not specifically teach excluding rows from a first view to directly create a second view." However, the Final Office Action contends that "Cafolla teaches creating a new window from an existing first view," citing Page 8-24 of Cafolla. This page, and page 8-25 of Cafolla describes a display of "a payroll batch window and selecting 'defaults' to display a second window." Appellants actual claim limitation is "excluding the employee profile information corresponding to the selected information from the first view, the exclusion resulting in a second view" and not simply "excluding rows from a first view to directly create a second view," as the Final Office Action contends. Appellants respectfully submit that these claim limitations also appear to have been misconstrued in the Final Office Action.

The Final Office Action states that, "However, Cafolla teaches entering additional query criteria to create new view as desired at Pages 7-45 and 7-46." As noted above, Appellants create a new (second) view by "excluding" employees selected from a first view. Appellants respectfully submit that this is entirely different from "entering query criteria" to create a new view, as taught by Cafolla. On pages 7-45 and 7-46, Cafolla teaches "selecting elements" and does not teach or suggest selecting employees to include in the query. Appellants respectfully submit that, not only does Cafolla not teach or suggest "excluding" employees from a view, Cafolla also does not teach or suggest "selecting" employees. Instead, a careful reading of Cafolla shows that Cafolla teaches selecting "elements" that apply to one or more employees.

Appellants also point out that on 7-45 and 7-46, Cafolla is using a "window" to display data and is not using a database "view," as taught and claimed by Appellants. This distinction is important because users cannot be granted "view access" to a "window" as described by Cafolla. Instead, the granting of access to a view is performed using a database "view" as claimed by Appellants. Therefore, combining Cafolla's "window" with art, such as Bapat, that teaches

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granting access to a database view, simply will not work because the database "grant" simply will not work in conjunction with Cafolla's "window."

The Final Office Action states:

It would have been obvious to one having ordinary skill in the art at the time of [sic] the applicant's [sic] invention was made to combine the teaching of creating new window [sic] from existing window, and creating new view based upon additional query criteria from the Cafolla reference by using the new query criteria to exclude records as selected from a first view to generate a second view because an [sic] ordinary skilled in the art who could create views would have known that view can be used to hide or include some rows from user(s) through implementation of a **where** clause in a SQL statement. Furthermore, creating a narrower view from a broader view is a common daily routine to [sic] ordinary skilled in the art, for example, hiding some icons on PC monitor, opening portion of file directories and narrowing down context searches of documents. This practices [sic] all have something in common: excluding some records from a first view to result in a narrower second view.

Appellants assert that the only way one of ordinary skill in the art would contemplate performing all of the steps outlined by the Examiner in the portion of the Office Action recited above is with benefit of Appellants' disclosure. Given the length of items that the Final Office Action assumes to be "obvious," Appellants respectfully assert that it would not be obvious to one of ordinary skill without benefit of Appellants' disclosure. In addition, Appellants submit that the above-referenced portion of the Final Office Action overlooks the actual claim elements found in Appellants' claims, as explained below.

First, Appellants respectfully submit that the Examiner mixes the terms "window" and "view" in the rejection. As discussed above, Cafolla teaches the use of "windows" and Appellants teach and claim a first and second "view." This distinction is important as Appellants have pointed out that access can be granted to a database "view" but cannot be granted to a "window." Nowhere does Cafolla teach or suggest creating a database "view" out of the data displayed in Cafolla's "window" taught on pages 7-45 and 7-46. In addition, Appellants claimed invention selects "one or more employees" from a first view with the employee profile information corresponding to the selected employees being excluded from a first view, and then view access is granted to the excluded employees. Appellants respectfully submit that the Final

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Office Action appears to overlook this aspect of Appellants' claimed invention in applying the references. Appellants are concerned that the Examiner, in rejecting Appellants' claims, has viewed Appellants' claimed invention as an invention that only deals with performing simple database queries based upon generic "rows" of data. As pointed out above, Appellants' claimed invention performs specific actions using specific elements. Appellants respectfully submit that neither Cafolla nor Bapat teach or suggest performing these actions on these elements.

Second, the cited section from the Final Office Action equates Appellants' claimed invention of "selecting one or more employees to exclude from a first view ... excluding the employee profile information corresponding to the selected employees from a first view resulting in a second view ... and granting the selected employees view access to the second view" as synonymous with "hiding some icons on a PC monitor, opening portion of file directories and narrowing down context searches of documents." Appellants respectfully fail to see the relevance of hiding icons, opening files, and narrowing context searches with Appellants claimed invention. Moreover, the Examiner has provided absolutely no basis for how hiding an icon on a PC monitor is at all similar to "excluding" employees from a first database view from a second database view.

And third, the above-cited section of the Office Action fails to note the fact that Appellants claim both "excludes ... information corresponding to the selected employees" as well as granting those same excluded employees "view access" to the resulting second view. Appellants respectfully submit that in order to establish a *prima facie* case of obviousness, "all claim limitations must be taught or suggested." MPEP 2143.03 states:

2143.03 All Claim Limitations Must Be Taught or Suggested

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

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Appellants respectfully submit, as evidenced above, the Final Office Action fails to give consideration to all of Appellants' claim limitations. The Office Action fails to examine the Appellants' actually filed claims, as outlined above.

Unlike the First Office Action, the Final Office Action admits that Cafolla does not teach or suggest "granting view access to the second view to one or more of the selected employees." Appellants note that Cafolla fails to teach or suggest this limitation at Page 34-15 at the paragraph beginning with "ROLEGEN," as cited in the Office Action. While the ROLEGEN paragraph of Cafolla teaches granting database permissions, it does not teach that permissions are granted to any views that resulted from selecting employees to exclude from such views. Moreover, this section of Cafolla does not teach or suggest granting permission of such views to "the selected employees," as claimed by Appellants. Note that in Appellants' claims, the "selected employees" are the employees whose information has been excluded from the second view. Furthermore, Cafolla is not teaching or suggesting the performance of an "exclude" function prior to granting permissions to the tables.

To shore up this deficiency of Cafolla, the Final Office Action alleges that Bapat teaches "granting query on a view to user(s)," as claimed by Appellants, citing col. 22, lines 1-22 of Bapat. Appellants respectfully disagree.

Column 22, lines 1-22 of Bapat are as follows:

After creating a View, the Create_View procedure 362 grants the user for whom the View was created permission to use it. For example, the SQL command for granting permission to use a View may look like:

Format of Grant command:

GRANT privilege type ON view_name TO user

Example of Grant Command:

GRANT SELECT ON view_Table1_scott TO scott.

After executing this GRANT statement, the system administrator, a user named "scott" can utilize the View named "view_Table1_scott."

In an alternative embodiment, a single View can be created to access management information stored in multiple tables. Alternatively, a single View can be created and access to the View can be granted to a group of users who are all members of a group having a group name, either using a group grant command or by executing one or more Grant commands listing multiple users.

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While Bapat teaches granting access to a user or number of users, Bapat does not teach or suggest creating the view to which access is granted in any way similar to that taught and claimed by Appellants. Instead, Bapat teaches a "Create_View" procedure that converts a user-TargetMap for a user-table pair into a "Create View" SQL command (col. 21, lines 12-16). Bapat teaches selecting database rows for the resulting views using a "fully distinguished name (FDN)" that corresponds to a "managed object." Nowhere does Bapat teach or suggest granting users (employees) access to a view after excluding data corresponding to such users (employees) from the view.

In short, Cafolla in view of Bapat completely fails to teach or suggest any of the limitations set forth in Appellants' independent claims. The addition of the Bapat reference in the Second and Final Office Actions does not overcome the shortcomings of the Cafolla reference. In order for Appellants' claims to be anticipated, each and every element of Appellants' claims must be found in the references. Consequently, because the references teach or suggest none of Appellants' claimed limitations, Appellants' respectfully request that the rejection of Appellants' independent claims be REVERSED and that these claims be allowed to issue.

3. EACH OF APPELLANTS' DEPENDENT CLAIMS ARE ALSO ALLOWABLE OVER CAFOLLA IN VIEW OF BAPAT

The Final Office Action rejected each of Appellants' dependent claims (claims 2-7, 9-13, and 15-20) under 35 U.S.C. § 103 as being obvious, and therefore unpatentable over Cafolla in view of Bapat. As explained below, the references, alone or in combination with each other, do not teach or suggest the limitations set forth in Appellants' dependent claims and, therefore, Appellants respectfully request that each of these rejections be REVERSED.

Claims 2, 9, and 15 depend on independent claims 1, 8, and 14, respectively, and each claims the additional limitation of "*displaying the employee profile information in the second view on one or more display devices, wherein at least one of the display devices corresponds to one of the selected employees.*" The Final Office Action contends that Cafolla teaches this limitation "by using people folder as the first view to find people of interest and then using

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inquiry window as the second view to show specific information about a person who him/herself is running the HRMS application,” (citing Cafolla, page 13-2, lines 8-12). These lines of Cafolla read as follows:

- user the Find Person window or a People folder to display the people who interest you, then ‘drill down’ by clicking on buttons to the information you need
- use an inquiry window to view specific information about a person, such as an employment or absence history

Appellants note that Cafolla is simply describing finding a person (employee) from a group of employees (People folder) and then viewing specific information about the person such as their employment or absence history. In contrast, Appellants are claiming displaying employee information in the second view (where the second view was created by excluding the selected employee’s information from a first view) and then displaying the information to the selected employee. Nowhere does Cafolla or Bapat, alone or in combination with each other, teach or suggest displaying the “second view” (as claimed by Appellants) to one of the “selected” employees (also as claimed by Appellants). In Section 1 of Appellants’ Arguments, Appellants noted that the Final Office Action failed to even reject Appellants’ “selecting...” limitation set forth in the independent claims. Appellants review of Cafolla and Bapat revealed that indeed neither reference, alone or in combination with each other, teach or suggest Appellants’ limitation of “selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees,” set forth in each of Appellants’ independent claims. Therefore, since neither reference teaches Appellants’ “selecting...” limitation, it follows that neither Cafolla nor Bapat, alone or in combination with each other, teaches or suggests “the selected employees” limitation as claimed in claims 2, 9, and 15. Accordingly, Appellants respectfully request that the rejection of Appellants claims 2, 9, and 15 be **REVERSED** and that these claims be allowed to issue.

Claims 3, 10, and 16 each depend on independent claims 1, 8, and 14, respectively, and each claims the additional limitations of:

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- simultaneously displaying employee profile information pertaining to the second view to a plurality of collaborating employees, wherein the collaborating employees include at least one of the selected employees;
- receiving an employee profile change request to revise the employee profile data corresponding to one of the employees, the received request being from one of the collaborating employees;
- modifying the employee profile data according to the request; and
- displaying the modified employee profile data to the plurality of collaborating employees.

The Final Office Action contends that Cafolla teaches each of these limitations, stating that the first limitation is taught at "Page 14-36 by "showing the assignment history window, as the first view, for all of an employee's assignments while the assignment folder window being utilized as the first view (Page 30-3, lines 14-16)." Appellants note that even the Examiner's description of what Cafolla teaches does not teach or suggest Appellants' limitation. First, the Examiner does not even contend that the information in Cafolla is being simultaneously displayed ... to a plurality of collaborating employees." Instead, Cafolla is simply describing the display of assignment data. Second, the Examiner contends that Cafolla is teaching the display of a "first" view, while Appellants' limitation is directed at the "second" view. Appellants remaining limitations of claims 3, 10, and 16 are linked, directly or indirectly, to the "simultaneously displaying..." limitation. Because Cafolla does not teach or suggest the "simultaneously displaying..." limitation, it cannot teach the remaining limitations. Moreover, the Final Office Action does not contend that Bapat teaches or suggests this limitation. Therefore, Appellants respectfully submit that neither Cafolla nor Bapat, alone or in combination with each other, teach or suggest Appellants' claim limitations set forth in claims 3, 10, and 15. Consequently, Appellants respectfully submit that the rejection of Appellants' claims 3, 10, and 16 is not supported by the references and accordingly request that the rejection of these claims be **REVERSED** and that these claims be allowed to issue.

Claims 4, 11, and 17 each depend on independent claims 1, 8, and 14, respectively, and each claims the additional limitation of "*wherein each of the excluded employee profiles corresponds to an employee that reports to the manager.*" The Final Office Action contends that

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Cafolla teaches this additional limitation, citing pages A-31 and 2-38. Page A-31 is a page from the Appendix of Cafolla that includes general information concerning "organization hierarchy." Specifically, this section includes a bullet item that states "Choose Work Structures -> Organization -> Hierarchy in the Navigator. The paragraph cited from page 2-38 includes instructions for creating a new version of an existing hierarchy that includes (1) querying the name of the hierarchy, (2) finding a version number for the hierarchy, (3) query the top organization name, (4) selecting subordinates for the top organization, and (5) selecting a check box for the organization in order to add organizations below an immediate subordinate. Appellants note that nowhere in the cited section, or elsewhere in Cafolla or Bapat, does either reference, alone or in combination with each other, teach or suggest that an employee excluded from the first view when creating a second view is an employee that reports to the manager. The cited sections from Cafolla illustrate that, while Cafolla includes some data related to organizational hierarch, Cafolla simply does not teach or suggest excluding an employee from a view nor does Cafolla teach or suggest a relationship between a manager and an excluded employee. Appellants, therefore, respectfully request that the rejection of claims 4, 11, and 17 be **REVERSED** and that these claims be allowed to issue.

Claims 5, 12, and 18 each depend on independent claims 1, 8, and 14, respectively, and each claim the additional limitation of "storing second view data corresponding to the second view on a nonvolatile storage area, the second view data including a grant list of employees that were granted access to the second view and an exclusion list of employee profiles that were excluded from the second view." The Final Office Action contends that Cafolla teaches this limitation and cites pages 34-2 and 30-2 in support of this contention. Page 34-2 of Cafolla is directed towards security and access control, while page 30-2 is directed towards providing an overview of inquiry and reporting tools with Cafolla's system. Importantly, however, neither page referenced, nor the remaining sections of Cafolla, teach or suggest "storing ... view data" or "storing ... a grant list of employees excluded from ... a view" as claimed by Appellants. Appellants respectfully submit, therefore, that neither Cafolla nor Bapat, alone or in combination with either other, teach or suggest Appellants' claimed invention as set forth in claims 5, 12, and 18, and respectfully request that the rejection of these claims be **REVERSED** and that these claims be allowed to issue.

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Claims 6, 13, and 19 each depend on dependent claims 5, 12, and 18, respectively, and each claims the additional limitations of:

- receiving a view request from a requesting employee;
- retrieving the second view data;
- comparing the requesting employee with the grant list of employees; and
- determining whether to allow the requesting employee access to the second view in response to the comparison.

The Final Office Action contends that Cafolla teaches each of these additional limitations. The Final Office Action contends that Cafolla teaches Appellants' limitation of "receiving a view request from a requesting employee" on page 14-28 noting that Cafolla, on this page, teaches "listing people by assignment." Appellants respectfully note that this is not even reminiscent of Appellants' claimed limitation. The Final Office Action contends that Cafolla teaches Appellants' "retrieving..." limitations citing page 14-36 and noting that, on this page, Cafolla teaches "listing an assignment history of person(s) selected from the first view." Again, Appellants note that what the Examiner contends that Cafolla teaches is not similar nor suggestive of Appellants' claimed limitation. The Final Office Action does not contend that Bapat teaches or suggests any of these limitations, and a review of Bapat reveals that it does not teach such limitations. Consequently, Appellants respectfully submit that the limitations rejected by the Examiner do not even resemble Appellants' actual claim limitations and that neither Cafolla nor Bapat, alone or in combination with each other, teach or suggest these limitations. Accordingly, Appellants respectfully request that the rejection of claims 6, 13, and 19 be **REVERSED** and that these claims be allowed to issue.

Claims 7 and 20 each depend on independent claims 1 and 14, respectively, and each claims the additional limitations of:

- displaying a list of reporting employees to a manager; and
- wherein the selecting includes receiving one or more exclusion selections from the manager in response to the displayed list.

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The Final Office Action contends that Cafolla teaches these limitations, citing page 14-29. Regarding Appellants' additional "wherein" clause, the Final Office Action contends that Cafolla teaches this limitation on page 14-29, lines 11-12. Appellants note that this section of Cafolla teaches use of a "query" field that can be used to restrict the list of employees displayed, but is not used to "select" employees from a first view in order to create a second view whereupon the excluded employees are granted view access to the newly created second view, as claimed by Appellants in claims 7 and 20. Therefore, Appellants respectfully submit that neither Cafolla nor Bapat, alone or in combination with each other, teach or suggest the additional limitations set forth in claims 7 and 20. Accordingly, Appellants respectfully request that the rejection of these claims be **REVERSED** and that these claims be allowed to issue.

4. THERE IS NO MOTIVATION TO COMBINE THE TEACHINGS OF CAFOLLA WITH THOSE OF BAPAT. INSTEAD, IT IS CLEAR THAT THE EXAMINER USED IMPERMISSIBLE HINDSIGHT IN REJECTING APPELLANTS' CLAIMS

In Appellants' Response to the First Office Action, Appellants stated:

Because of Cafolla's complete failure to teach any of Appellants' claimed limitations, using the Cafolla reference in a subsequent rejection under 35 U.S.C. § 103 would likely be improper as there would likely be no reason (motivation) for the references to be combined without the use of impermissible hindsight using Appellants' claims as guideposts. (page 13, line 31 – page 14, line 4).

Appellants' respectfully submit that there is simply no motivation, found in the prior art, to combine the human resource system taught by Cafolla with the database system of Bapat that teaches using "fully distinguished name (FDN)" that corresponds to a "managed object" to create views to which access is granted to users. Instead, Appellants respectfully submit that the Final Office Action improperly used Appellants' claims as "guideposts" in selecting the references and simply concluded that it would be "obvious" to combine the references. In doing so, Appellants assert that the Final Office Action used impermissible hindsight in combining Cafolla and Bapat in order to support a rejection of Appellant's claims.

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In the Final Office Action, Appellants note that the Examiner set forth the general rule for rejecting Appellants' claims under 35 U.S.C. § 103, but does not follow the rule. In the Final Office Action, the Examiner states:

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 247, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the OraHRMS [Cafolla] reference is a human resource management system where views are created from views as cited in the Action, furthermore, as the Examiner clarified, the OraHRMS (sic) teaches excluding assignments from an assignment set to save as a new assignment set. The teaching of creating views from views of OraHRMS, further in view of teaching from the same reference on excluding assignments from an assignment set to create a new assignment set, clearly suggests the teaching of "selecting one or more employees to exclude from a first view" to create a second view on which the excluded employees do not appear.

As to the argument that the Bapat reference does not teach or suggest "granting users (employees) access to a view after excluding data corresponding to such users (employees) from the view", the Examiner respectfully disagreed (sic). The SQL statement "GRANT SELECT ON view_table1_scott TO scott" does grant a database object, including a view, to specific user(s) as long as the object has already been (sic) existed, regardless how the view was created. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 247, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as explained in previous (sic) paragraph, the combined teachings from OraHRMS [Cafolla] provided the teaching of "selecting one or more employees to exclude from a first view" to create a second view on which the excluded employees do not appear. A further (sic) in view of the teaching of "granting view to user(s)" from the Bapat reference does suggest "granting users (employees) access to a view after excluding data corresponding to such users (employees) from the view".

Appellants note that, in order to provide a motivation to combine, the Examiner misconstrues the teachings of the references. Cafolla does not teach or suggest Appellants' "excluding" limitation. In fact, the Final Office Action admits that "Cafolla does not specifically teach excluding rows from a first view to directly create a second view." Yet, even after this

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admission, the Examiner states that Cafolla's teaching of "excluding assignments" is somehow motivation to combine Cafolla with Bapat.

MPEP § 706 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See MPEP § 2144 - § 2144.09 for examples of reasoning supporting obviousness rejections.

Where a reference is relied on to support a rejection, whether or not in a minor capacity, that reference should be positively included in the statement of the rejection. See *In re Hoch*, 428 F.2d 1341, 1342 n.3 166 USPQ 406, 407 n. 3 (CCPA 1970).

It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. Furthermore, if an initially rejected application issues as a patent, the rationale behind an earlier rejection may be important in interpreting the scope of the patent claims. Since issued patents are presumed valid (35 U.S.C. 282) and constitute a property right (35 U.S.C. 261), the written record must be clear as to the basis for the grant. Since patent examiners cannot normally be compelled to testify in legal proceedings regarding their mental processes (see MPEP § 1701.01), it is important that the written record clearly explain the rationale for decisions made during prosecution of the application.

Appellants assert that the Final Office Action fails to satisfy the burden set forth in § 706.02(j) in support of an obviousness objection, particularly because there is no motivation to

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combine the references. Furthermore, the Office Action fails to explain how combining the "windows" taught by Cafolla's human resource system with Bapat's teaching of selecting database rows for the resulting views using a "fully distinguished name (FDN)" that corresponds to a "managed object" would result in a workable solution. Appellants have pointed out that this combination is not a workable solution because the Database Management System (DBMS) used by Bapat would be unable to grant view access to the "window" taught by Cafolla. Thus, Appellants contend that the Office Action used impermissible hindsight in rejecting Appellants' claims and the resulting combination is not a workable solution. Accordingly, Appellants respectfully request that the board REVERSE the rejection of Appellants' claims under 35 U.S.C. § 103 because (1) there was no motivation to combine the references of Cafolla and Bapat, and (2) the Examiner used impermissible hindsight in selecting the references.

Conclusion

In short, Cafolla in view of Bapat completely fails to teach or suggest the limitations set forth in Appellants' claims. In order for Appellants' claims to be obvious, each and every element of Appellants' claims must be found in the references, motivation to combine the references must be found in the references themselves, and the combination of the references must result in a workable solution. Cafolla in view of Bapat fails to teach these limitations. Appellants therefore submit that claims 1-20 are allowable over Cafolla in view of Bapat. Appellants respectfully requests that the Examiner's rejections of these claims be REVERSED and that claims 1-20 be allowed to issue.

Respectfully submitted,

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I. APPENDIX OF CLAIMS

1. A method for selectively displaying employee profiles, said method comprising:
selecting one or more employees to exclude from a first view, the first view including
employee profile information corresponding to a plurality of employees;
excluding the employee profile information corresponding to the selected employees
from the first view, the exclusion resulting in a second view; and
granting view access to the second view to one or more of the selected employees.
2. The method as described in claim 1 further comprising:
displaying the employee profile information in the second view on one or more display
devices, wherein at least one of the display devices corresponds to one of the
selected employees.
3. The method as described in claim 1 further comprising:
simultaneously displaying employee profile information pertaining to the second view to
a plurality of collaborating employees, wherein the collaborating employees
include at least one of the selected employees;
receiving an employee profile change request to revise the employee profile data
corresponding to one of the employees, the received request being from one of the
collaborating employees;
modifying the employee profile data according to the request; and
displaying the modified employee profile data to the plurality of collaborating employees.
4. The method as described in claim 1 wherein the first view corresponds to a manager and
wherein each of the excluded employee profiles corresponds to an employee that reports
to the manager.
5. The method as described in claim 1 further comprising:
storing second view data corresponding to the second view on a nonvolatile storage area,
the second view data including a grant list of employees that were granted access

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to the second view and an exclusion list of employee profiles that were excluded from the second view.

6. The method as described in claim 5 further comprising:
receiving a view request from a requesting employee;
retrieving the second view data;
comparing the requesting employee with the grant list of employees; and
determining whether to allow the requesting employee access to the second view in response to the comparison.
7. The method as described in claim 1 further comprising:
displaying a list of reporting employees to a manager; and
wherein the selecting includes receiving one or more exclusion selections from the manager in response to the displayed list.
8. An information handling system comprising:
one or more processors;
a memory accessible by the processors;
one or more nonvolatile storage devices accessible by the processors; and
a display tool to selectively display employee employment data, the display tool including:
means for selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees;
means for excluding the employee profile information corresponding to the selected employees from the first view, the exclusion resulting in a second view; and
means for granting view access to the second view to one or more of the selected employees.
9. The information handling system as described in claim 8 further comprising:

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means for displaying the employee profile information in the second view on one or more display devices, wherein at least one of the display devices corresponds to one of the selected employees.

10. The information handling system as described in claim 8 further comprising:
means for simultaneously displaying employee profile information pertaining to the second view to a plurality of collaborating employees, wherein the collaborating employees include at least one of the selected employees;
means for receiving an employee profile change request to revise the employee profile data corresponding to one of the employees, the received request being from one of the collaborating employees;
means for modifying the employee profile data according to the request; and
means for displaying the modified employee profile data to the plurality of collaborating employees.
11. The information handling system as described in claim 8 wherein the first view corresponds to a manager and wherein each of the excluded employee profiles corresponds to an employee that reports to the manager.
12. The information handling system as described in claim 8 further comprising:
means for storing second view data corresponding to the second view on a nonvolatile storage area, the second view data including a grant list of employees that were granted access to the second view and an exclusion list of employee profiles that were excluded from the second view.
13. The information handling system as described in claim 12 further comprising:
means for receiving a view request from a requesting employee;
means for retrieving the second view data;
means for comparing the requesting employee with the grant list of employees; and
means for determining whether to allow the requesting employee access to the second view in response to the comparison.

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14. A computer program product stored in a computer operable media for selectively displaying employee data, said computer program product comprising:
means for selecting one or more employees to exclude from a first view, the first view including employee profile information corresponding to a plurality of employees;
means for excluding the employee profile information corresponding to the selected employees from the first view, the exclusion resulting in a second view; and
means for granting view access to the second view to one or more of the selected employees.
15. The computer program product as described in claim 14 further comprising:
means for displaying the employee profile information in the second view on one or more display devices, wherein at least one of the display devices corresponds to one of the selected employees.
16. The computer program product as described in claim 14 further comprising:
means for simultaneously displaying employee profile information pertaining to the second view to a plurality of collaborating employees, wherein the collaborating employees include at least one of the selected employees;
means for receiving an employee profile change request to revise the employee profile data corresponding to one of the employees, the received request being from one of the collaborating employees;
means for modifying the employee profile data according to the request; and
means for displaying the modified employee profile data to the plurality of collaborating employees.
17. The computer program product as described in claim 14 wherein the first view corresponds to a manager and wherein each of the excluded employee profiles corresponds to an employee that reports to the manager.
18. The computer program product as described in claim 14 further comprising:

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means for storing second view data corresponding to the second view on a nonvolatile storage area, the second view data including a grant list of employees that were granted access to the second view and an exclusion list of employee profiles that were excluded from the second view.

19. The computer program product as described in claim 18 further comprising:
means for receiving a view request from a requesting employee;
means for retrieving the second view data;
means for comparing the requesting employee with the grant list of employees; and
means for determining whether to allow the requesting employee access to the second view in response to the comparison.
20. The computer program product as described in claim 14 further comprising:
means for displaying a list of reporting employees to a manager; and
wherein the means for selecting includes means for receiving one or more exclusion selections from the manager in response to the displayed list.

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J. EVIDENCE APPENDIX

Not applicable.

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K. RELATED PROCEEDINGS APPENDIX

Not applicable.

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